No. 56.

...ment of the ... Prof. ...ife ...

...B. Narasinga ... Seringapatam Taluk.

Summary of Representation.—Government may be pleased to undertake the amendment of the Criminal Procedure Code on the lines adopted in British India.

NOTE.—The subject was not discussed as it was replied that it was under consideration.

PROTECTION—(JUDICIAL.)

(Nos. 57 to 70)

SUBJECT No. 57.

...qualifications for Pleaders.

...S. Srinivasa Dikshit, Shimoga District Board, and D. Venkarappa, Shikarpur Municipality.

Summary of Discussion.—In spite of several representations, matriculates were disqualified from becoming pleaders. Let Entrance Examination at least be fixed as the minimum qualification for recognised pleaders. Highly qualified men do not come to small places and inferior courts, particularly Bench Courts. Poor raiyats cannot afford to pay them. Representations for a separate class of criminal lawyers have often been pressed and promised to be considered. Whatever such a criminal lawyer earns will go towards his living or he will supplement it otherwise. There need be no apprehension that he will take to illegitimate methods. For big cases, the services of a highly paid lawyer even from Madras are obtained. That is sentiment to some extent. No doubt, there are mukthyars, but a separate class of criminal lawyers is necessary; or the mukhtyars may be converted into a class of qualified and recognised pleaders.

Reply of Government.—Question of having a better class of mukthyars and having control over them will be considered.

SUBJECT No. 58.

Increasing the scale of lawyers' fees.

Mr. B. N. Raghavaiah, Shimoga Town Municipality.

Summary of Discussion.—Scale of lawyers' fees was fixed long ago. Lawyers no doubt demand and get high fees, but the party has no chance of recouping even a portion of the fees paid.

Per contra it was urged that debtors would be ruined. If fees were raised, lawyers would demand more. Stamp and Court fees are enhanced. Any further increase in lawyers' fees will simply mean ruin.

Relpy of Government.—Government cannot accept this recommendation at present.

SUBJECT No. 59.

Modification of the Rules relating to civil suits entered in the waiting list.

Mr. H. S. Venkatappa Gowda, Tirthahalli Taluk.

Summary of Discussion.—It is a matter of experience that cases are not posted for years.

The Chief Judge pointed out that the member was mistaken and that the rules came into force only a year ago.

It was urged that cases when filed should be posted to a date. There were instances in Shimoga where adjournments went beyond a year; facts and figures were given in last Dasara Session. Adjournments go from 8 months to 1½ years. Cases have been posted to August next.

Per Contra the exact situation was explained by some members of the Bar, who said that there was no hardship and that the practice was good, but that the period of adjournment may be curtailed. Long postings became necessary for the reason that there were older cases to be looked to. Waiting lists were good and went a long way towards

Karnataka State Archive
(Departmental Library)
ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರಾಗಾರ
(ಇಲಾಖಾ ಗ್ರಂಥಾಲಯ)

posting a case to a date when it had a good chance of being taken up. This saved expense and worry to parties. The greatest complaint was long adjournments. No adjournment should go beyond 6 months. What was wanted was more courts to clear arrears. When work became current, there would be no trouble. In simple cases where there was not much evidence to be recorded, judges may be instructed to give short dates.

Reply of Government.--There is nothing wrong in waiting lists. The complaint is that some cases cannot find a date earlier than a year. The reason is that some courts have more work than is possible to manage with short adjournments.

SUBJECT No. 60.

Empowering civil courts to pass injunction orders when the subject matter of the suit is not less than Rs. 50

Mr. Venkataramaiah, Chiknayakanhalli Taluk.

Summary of discussion.—Injunction orders are given only when a suit is above Rs. 100 in value. Former limit was only Rs. 50. By injunction is meant attachment before judgment of immoveables.

The Chief Judge explained that it was enhancement of small cause jurisdiction to Rs. 100 in some courts that had resulted in this and that even then movables could be attached.

Reply of Government.—No change is called for.

SUBJECT No. 61.

Interest at 9% both on the decree amount and court costs.

Messrs. G. S. Murigappa and Honne Gowda, Gubbi Taluk.

Summary of Dicussion.—Rate of interest must be enhanced to 9 per cent.

The Chief Judge said that the point of view of debtors will also have to be taken into consideration. This is the practice in British India.

Reply of Government.—No change is necessary.

SUBJECT No. 62.

Execution of Mysore civil court decrees in the Bombay Presidency and removal of limitation bar.

Messrs. N. Gurulingappa, K. Basalingappa, Honnali Taluk and Y. K. Virupaiya, Nyamti Municipality

Summary of Discussion.—Bombay decrees are executed here while the reverse is not the case. Suits will have to be filed there. Courts here do not take into account whether it is *exparte* decree or not, but execute it.

The Chief Judge said that, if so, it was a mistake and an appeal could be filed.

It was urged further that the judges should look into this before issuing processes or issue a notice in the first instance in such cases.

Reply of Government.—Will be considered.

SUBJECT No. 63.

Empowering Bench Magistrates to dispose of civil suits of the value of Rs. 50 and below.

Mr. H. S. Venkatappa Gowda, Tirthahalli Taluk.

Summary of Discussion.—To go a long distance to file suits is hard, hence the proposition. There will be less cost.

Many members strongly opposed the proposal.

Reply of Government.—The remedy lies in applying for village courts. It is inadmissible to combine civil and criminal functions.

SUBJECT No. 64.

Appointment of a clerk and a peon to each Bench Court.

Summary of Discussion.—It was urged that the clerk was not a subordinate of the Bench Magistrates. There was no control or discipline and that diaries had been torn or destroyed. The clerk makes the magistrates wait. Without establishment, there is no use of establishing